

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

SITEPRO, INC.,

Plaintiff,

v.

WATERBRIDGE RESOURCES, LLC,  
WATERBRIDGE OPERATING, LLC,  
WATERBRIDGE HOLDINGS, LLC,  
WATERBRIDGE MANAGEMENT, INC.,  
AND THE INTEGRATION GROUP OF  
THE AMERICAS,

Defendants.

**C.A. No. 6:23-cv-00115-ADA-DTG**

**JURY TRIAL DEMANDED**

**AGREED SCHEDULING ORDER**

Pursuant to the Court’s Order Governing Proceedings—Patent Cases, a Case Management Conference (“CMC”) in this case was deemed to have occurred on June 13, 2023. As a result of the CMC, and pursuant to Rule 16, Federal Rules of Civil Procedure, the Court **ORDERS** that the following schedule will govern deadlines up to and including the trial of this matter:

| <b>Deadline</b> | <b>Item</b>  |
|-----------------|--|
| August 3, 2023  | Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s). |
| August 17, 2023 | Parties exchange claim terms for construction.   |

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| August 31, 2023                | Parties exchange proposed claim constructions.  |
| September 7, 2023              | Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>1</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced. |
| September 14, 2023             | Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.  |
| September 21, 2023             | Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.  |
| October 12, 2023               | Plaintiff files Responsive claim construction brief.  |
| October 26, 2023               | Defendant files Reply claim construction brief.   |
| October 26, 2023               | Parties to jointly email the law clerks ( <i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.  |
| November 9, 2023               | Plaintiff files a Sur-Reply claim construction brief.   |
| November 14, 2023              | Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.<br><br><i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).   |
| November 14, 2023              | Parties submit optional technical tutorials to the Court and technical advisor (if appointed).  |
| November 30, 2023 <sup>2</sup> | <i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.   |
| December 1, 2023               | Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).   |
| January 4, 2024                | Deadline to add parties.  |
| January 18, 2024               | Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to   |

<sup>1</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

<sup>2</sup> All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

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|                    | infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.   |
| March 14, 2024     | Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)  |
| May 23, 2024       | Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's law clerk to arrange a teleconference with the Court to resolve the disputed issues.   |
| June 20, 2024      | Close of Fact Discovery.   |
| June 27, 2024      | Opening Expert Reports.  |
| July 25, 2024      | Rebuttal Expert Reports.   |
| August 15, 2024    | Close of Expert Discovery.   |
| August 22, 2024    | Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. If it helps the parties determine these limits, the parties are encouraged to contact the Court's law clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer. |
| August 29, 2024    | Dispositive motion deadline and <i>Daubert</i> motion deadline.<br><br><i>See</i> General Issues Note #7 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).   |
| September 12, 2024 | Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, deposition designations).  |
| September 26, 2024 | Serve objections to pretrial disclosures/rebuttal disclosures.   |
| October 3, 2024    | Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .  |
| October 10, 2024   | File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, deposition designations); file oppositions to motions <i>in limine</i> .   |
| October 10, 2024   | Parties to jointly email the Court's law clerk ( <i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.  |
| October 17, 2024   | File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file  |

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|                         | <p>a notice with the Court and email the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a></p> <p>Deadline to file replies to motions <i>in limine</i>.</p> |
| October 24, 2024        | Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .   |
| October 29, 2024        | File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .   |
| November 5, 2024        | Final Pretrial Conference. Held in person unless otherwise requested.   |
| <b>December 9, 2024</b> | Jury Selection/Trial  |

Agreed,

/s/ M. Craig Tyler

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